



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

*Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Monday, August 11, 2014

5:15 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 5:20 p.m.*

### MINUTES:

**20140864 Regular Meeting - July 7, 2014**

Review and approval of the July 7, 2014 regular meeting minutes.

**A motion was made by Council member Morris, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:**

**Vote: 5 – 0 – 0**

**Approved**

Absent for the vote: Michelle Cooper Kelly and Anthony Coleman

### BUSINESS:

**20140886 BLW Report**

Council Member Andy Morris gives the Board of Lights and Water (BLW) report for the meeting held on Monday, August 11, 2014.

*City Manager Bill Bruton reported on the actions of the Board of Lights and Water at their August 11, 2014 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the August 11, 2014 regular Board of Lights and Water meeting minutes for details.)*

**A motion was made by Council member Goldstein, seconded by Council member Chalfant, to add an item to the council agenda regarding the Georgia Public Web (GPW) Representative. The motion carried by the following vote:**

**6 – 0 – 0** **Approved**

Absent for the vote: Anthony Coleman  
(See agenda item 20140907)

**20140820 Kirkpatrick Drive Speed Limit**

Request by Council Member Walker for a speed limit change to 25mph on Kirkpatrick Drive.

**A motion was made by Council member Chalfant, seconded by Council member Walker, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 5 – 1 – 0** **Recommended for Approval - Consent Agenda**

Voting Against: Philip M. Goldstein  
Absent for the vote: Anthony Coleman

**20140577 Billboard Relocation**

Consideration of a request regarding the possible relocation of billboards along I-75 due to the GDOT widening project.

*Discussion was held. Staff was asked to incorporate suggested changes to the ordinance.*

*Motion to authorize advertisement of proposed revisions to the Comprehensive Development Code of the City of Marietta, Division 714, Signs, paragraph 714.04(G) Billboards; and paragraph 704.06 (C) Nonconforming Signs.*

**The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 7 – 0 – 0** **Recommended for Council Agenda Non Consent**

**20140789 Downtown Marietta Development Authority / First Baptist Church of Marietta Parking Intergovernmental Agreement**

Motion to approve assignment of “Agreement as to Parking Facilities” dated July 11, 1979 from the Downtown Marietta Development Authority to the City of Marietta. The owner of the property which is the subject matter of release is the First Baptist Church of Marietta.

*Discussion was held. Staff was asked to incorporate suggested changes to the agreement.*

**The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Recommended for Council Agenda Non Consent**

**20140824**

**Gateway Marietta CID Cooperative Agreement**

Section 9 of the Cobb County CID Act requires Cooperation Agreements between the CID Board and the governing body of Cobb County and any municipalities within which the District is located.

**A motion was made by Council member Goldstein, seconded by Council member Walker, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Recommended for Approval – Consent Agenda**

**20140836**

**International Property Maintenance Code, 2006 Edition**

Approval of the submission to the state of Georgia of an ordinance amending Section 7-4-2-100, Housing Code, to include the adoption of the International Property Maintenance Code, 2006 Edition.

*Discussion was held. Staff was asked to incorporate suggested changes to the ordinance.*

*Motion to approve an ordinance amending Section 7-4-2-100, Housing Code, to include the adoption of the International Property Maintenance Code, 2006 Edition.*

**The motion was made by Council member Fleming, seconded by Council member Coleman, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 6 – 1 – 0**

**Recommended for Approval – Consent Agenda**

Voting Against: Philip M. Goldstein

*Motion to approve an ordinance amending Section 7-4-2, so as to add 7-4-2-150, Regulation of boarded up buildings, to the Marietta City Code.*

**The motion was made by Council member Fleming, seconded by Council member Chalfant, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:**

**Vote: 6 – 1 – 0                      Recommended for Approval – Consent Agenda**  
Voting Against: Philip M. Goldstein

*Council member Goldstein left the dais prior to the discussion regarding the plan for Square improvements.*

**20140788**

**Plan for Square Makeover/Improvements**

Discussion and direction for staff to move forward with the feasibility examination (costs, source of funds, infrastructure design) for Square Makeover/Improvements including, but not limited to:

- Parking Meters
- o Parking Management
- o Dedication of Parking Meter Fees (net of annual capital improvements, maintenance, and operation costs) for a restrictive use for Downtown Business District through current term of council (12/31/17).
- o Invest in high tech parking meters
- Dumpsters off Street
- o A better, cleaner, esthetically pleasing, efficient way of servicing trash
- o Expense and capital outlay
- o funding
- Extension of Sidewalk on North Park, West Park, and East Park Square
- o Leaving 3 lanes of traffic on North, West and East Park Square (note all “feeders” into the square are at most 3 lanes with all on North and South being 2 Lanes and only 2 3 lanes on East side, in other words, do we need 4 lanes for 1 block?)
- o Retaining parking on each, just further out
- o Would allow for more square flexibility for functions without closing of the street (i.e., Chalk Fest)
- Purchase of square parcel for purpose of:
- o Create tourism center/promotion on square
- o Public Rest Rooms included in new building for functions and park thus eliminating portables and overall lack thereof
- o 2nd floor for governmental/community purpose
- o Improve on existing Square eye sore/distraction
- Upgrading stage and gazebo

This item was added at the request of Mayor Tumlin and Council Member Walker.

*Council member Goldstein disclosed that he is the owner and manager of Marietta Properties, which is the owner of 67-87 North Park Square, Marietta GA.*

*Discussion was held. The title for this item was amended to read, "Plan for the Central Business District CBD) Makeover/Improvements".*

*Motion to authorize staff to move forward with the feasibility examination (costs, source of funds, infrastructure design) for the Central Business District CBD) makeover/improvements.*

**The motion was made by Council member Kelly, seconded by Council member Walker, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 6 – 0 – 0**                      **Recommended for Council Agenda Non Consent**  
Absent for the vote: Philip M. Goldstein

*Council member Goldstein returned to the dais.*

**20140704                      Whitlock Avenue Streetscape and Pedestrian Improvement Project**

Review of Concept for Whitlock Avenue Streetscape and Pedestrian Improvement Project.

*Motion to move forward with the conceptual plans for Whitlock Avenue Streetscape and Pedestrian Improvement Project.*

**The motion was made by Council member Walker, seconded by Council member Morris, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 6 – 0 – 0**                      **Recommended for Approval - Consent Agenda**  
Absent for the vote: Anthony Coleman

**20140887                      Draft City Council Agenda**

Review and approval of the August 13, 2014, DRAFT City Council Agenda.

*-under Proclamations: Agenda items 20140895 and 20140903 were removed from the agenda.*

*-under Minutes: Agenda items 20140865, 20140866 and 20140867 were added to the consent agenda. Agenda item 20140866 should show Council member Goldstein abstaining.*

*-under Ordinances: Agenda item 20140751, 20140764 and 20140822 were added to the consent agenda.*

*-under Judicial/Legislative: Agenda item 20140827 was added to the consent agenda. Staff will provide an amended annexation list and map.*

*-under Judicial/Legislative: Agenda item 20140839 was added to the consent agenda.*

*-under Parks and Rec: Agenda item 20140558 was removed from the agenda.*

*-under Personnel: Agenda item 20140671 was added to the consent agenda, adding the language, "...per the terms as set forth herein." The documents outlining the terms of the loans should be incorporated with the motion.*

*-under Public Works: Agenda item 20140781 was added to the consent agenda with a Public Hearing added to the agenda.*

*-under Public Works: Agenda items 20140728 and 20140815 should show Council member Goldstein abstaining and the following disclosure added, "Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project."*

*-under Other Business: Agenda item 20140753 should show Council member Goldstein abstaining and the following disclosure added, "Council member Goldstein disclosed that Keith Crystal is a tenant of his and/or Herbert S. Goldstein Family Limited Partnership and/or other LLC(s) that are owed in whole or in part by Philip M. Goldstein or managed by or which Philip M. Goldstein is a General Manager."*

*-under Other Business: Agenda item 20140868 was added to the consent agenda.*

### **Discussed**

**20140888**

### **Executive Session**

Executive Session to discuss legal, personnel, and/or real estate matters.

**A motion was made in open session by Council member Kelly, seconded by Council member Fleming, to enter an Executive Session to discuss real estate acquisition/disposition and personnel matters. The motion carried by the following vote:**

**Vote: 6 – 1 – 0**

**Approved**

Voting Against: Philip M. Goldstein

The Executive Session was held.

**A motion was made in open session by Council member Goldstein, seconded by Council member Morris, to exit the Executive Session. The motion carried by the following vote:**

**Vote: 5 – 0 – 0**

**Approved**

Absent for the vote: Stuart Fleming and Anthony Coleman

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property and easements at 739 Franklin Road from 739 Franklin Properties, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$55,400.00 with a stipulation that the City of Marietta will install/erect a four foot wrought iron style fence on top of the concrete two foot retaining wall along the right-of-way. The motion carried by the following vote:*

*Vote: 5 – 0 – 0 Approved  
Absent for the vote: Stuart Fleming and Anthony Coleman  
(See agenda item 20140912)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property 707 Franklin Road owned by Liberty Pointe, LLC on behalf of the City of Marietta by means of eminent domain. The motion carried by the following vote:*

*Vote: 5 – 0 – 0 Approved  
Absent for the vote: Stuart Fleming and Anthony Coleman  
(See agenda item 20140913)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property at 80 Black Street owned by Muriel J. Booker and Harriet Scott behalf of the City of Marietta by means of eminent domain. The motion carried by the following vote:*

*Vote: 5 – 0 – 0 Approved  
Absent for the vote: Stuart Fleming and Anthony Coleman  
(See agenda item 20140914)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property at 1260 Powder Springs Street from ALDI, Inc. Georgia for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$465.14. The motion carried by the following vote:*

*Vote: 5 – 0 – 0 Approved  
Absent for the vote: Stuart Fleming and Anthony Coleman  
(See agenda item 20140909)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property at 1215 Powder Springs Street from Spirit Master Funding III, LLC for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$3,072.71. The motion carried by the following vote:*

*Vote: 5 – 0 – 0* *Approved*  
*Absent for the vote: Stuart Fleming and Anthony Coleman*  
*(See agenda item 20140910)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of a portion of property and temporary construction easements at 1410 Dura Drive from Waffle House Inc. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$5,700.00. The motion carried by the following vote:*

*Vote: 5 – 0 – 0* *Approved*  
*Absent for the vote: Stuart Fleming and Anthony Coleman*  
*(See agenda item 20140911)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of property at 680 Franklin Road - Parcel 14-T owned by CBS Outdoor on behalf of the City of Marietta by means of eminent domain. The motion carried by the following vote:*

*Vote: 5 – 0 – 0* *Approved*  
*Absent for the vote: Stuart Fleming and Anthony Coleman*  
*(See agenda item 20140915)*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the consent agenda authorizing the acquisition of property at 860 Franklin Road owned by Castlebrook Owner, LLC on behalf of the City of Marietta by means of eminent domain. The motion carried by the following vote:*

*Vote: 5 – 0 – 0* *Approved*  
*Absent for the vote: Stuart Fleming and Anthony Coleman*  
*(See agenda item 20140916)*

**ADJOURNMENT:**

*The meeting was adjourned at 8:44 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_